

## REMARKS/ARGUMENTS

Claims 1 – 23 and 25 – 27 are currently pending and rejected.

The applicants' attorney amends claims 1, 10, 20 and 27. The applicants' attorney respectfully asserts that claims 1 – 23 and 25 – 27, as amended, are in condition for allowance for at least the reasons discussed below.

### **Rejection of Claims 1 – 9**

The applicants' attorney respectfully asserts that claim 1, as amended, is patentable over U.S. Patents 5,986,992 issued to Bardmessenger (Bardmessenger) and 6,644,556 issued to Adelman (Adelman) at least because each fails to disclose a mass storage device that includes a capacity indicator observable while data is written to or read from the mass storage device.

The applicants' claim 1, as amended, recites a mass storage device comprising a capacity indicator that is observable while data is written to or read from the device. Support for this can be found in at least FIGS. 1, 2 and 3, and paragraphs 14, 16 – 20 and 25 of the specification.

Bardmessenger fails to disclose a mass storage device that includes a capacity indicator observable while data is written to or read from the mass storage device. Bardmessenger appears to disclose a disk cartridge 1 (FIGS. 1 – 3) that stores data, and a disk drive 20 (FIG. 3) that can read data from and write data to the cartridge 1 when the cartridge 1 is inserted in the drive 20. The cartridge 1 includes a storage disk 3 for storing data, and a display 4 for visually displaying the capacity of the disk 3. The display 4 is located on a top surface of the cartridge 1 (*Col. 2 lines 63 – 67*), which is inserted into the drive 20 when the drive reads from and writes to the disk 3. Thus, the visual display 4 is observable by a user only when the cartridge 1 is not inserted in the drive 20. Therefore, unlike the applicants' claimed capacity indicator 104, a user cannot observe Bardmessenger's visual display 4 while the drive 20 reads and writes to the disk 3.

Adelman fails to disclose a mass storage device that includes a capacity indicator observable while data is written to or read from the mass storage device. Adelman appears to disclose a flash memory card 100 (FIG. 1) having an indicator

116 that conveys an indication of the amount of available storage in the card 100, and a connector 110 (FIG. 1) for establishing electrical communication with the card 100. The card 100 also includes a groove (not identified with a reference number) located in a frame 104 (FIG. 1) to properly align the connector 110 with a corresponding connector of a device to establish electrical communication with the device. Adelman does not discuss locating the indicator 116 to allow a user to observe the available storage indicated by the indicator 116 while electrical communication with the card 100 is made.

Claims 2 – 9 are patentable by virtue of at least their dependencies on claim 1, as amended.

#### **Rejection of Claims 10 – 19**

Claim 10 is patentable over Bardmesser and Adelman for at least reasons similar to those recited above in support of claim 1 over Bardmesser and Adelman.

Claims 11 – 19 are patentable by virtue of at least their dependencies from claim 10.

#### **Rejection of Claims 20 – 23 and 25**

Claim 20 is patentable over Bardmesser and Adelman for at least reasons similar to those recited above in support of claim 1 over Bardmesser and Adelman.

Claims 21 – 23 and 25 are patentable by virtue of at least their dependencies from claim 20.

#### **Rejection of Claim 26**

The enclosed Declaration shows that the inventors conceived of the claimed invention before 3 June 2003, which is the effective date of U.S. Patent Application Publication 2004/0042761 (Miyazaki), and from before 3 June 2003 to 9 December 2003 were diligent in constructively reducing the claimed invention to practice.

Therefore, the applicants' attorney requests that the examiner withdraw all rejections that are based in full or in part on Miyazaki.

### **Rejection of Claim 27**

Claim 27 is patentable over Bardmesser and Adelman for at least reasons similar to those recited above in support of claim 1 over Bardmesser and Adelman.

### **Conclusion**

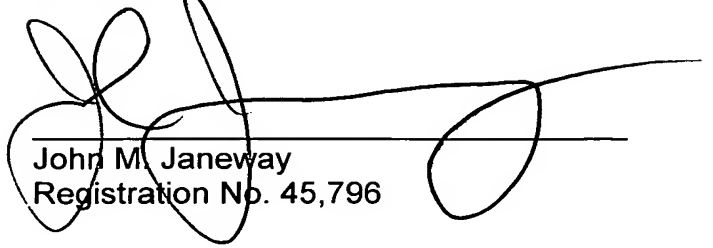
The applicants' attorney respectfully requests the examiner withdraw the rejection of claims 1 – 23 and 25 – 27, as amended, and issue an allowance for these claims.

If, after considering this response, the examiner believes the claims should not be allowed, the applicants' attorney respectfully requests that before issuing an Office Action, the examiner call Ms. Griebenow (970-898-3884) or Mr. Janeway (425-455- 5575) to schedule a telephone conference to further the prosecution of the claims.

The Commissioner is hereby authorized to charge, at any time during the pendency of this application, any required fees or credit any overpayment to Deposit Account 08-2025 pursuant to 37 C.F.R. §1.25.

Dated this 27<sup>th</sup> day of April 2006.

Respectfully submitted,  
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